



1 LECLAIRRYAN
2 Robert S. McWhorter (CA 226186)
3 *robert.mcwhorter@leclairryan.com*
4 Kevin T. Collins (CA 185427)
5 *Kevin.collins@leclairryan.com*
6 980 9th Street, 16th Floor
7 Sacramento, CA 95814
8 Telephone: 916.449.9690
9 Facsimile: 916.449.9694

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11 Attorneys for Plaintiff
12 JACK IN THE BOX INC.,
13 a Delaware corporation, formerly known as Foodmaker, Inc.

14 UNITED STATES DISTRICT COURT
15
16 NORTHERN DISTRICT OF CALIFORNIA

17 JACK IN THE BOX INC., a Delaware
18 corporation, formerly known as Foodmaker,
19 Inc.,

20 Plaintiff,

21 vs.

22 DEEPAK MEHTA, an individual; KIRAN
23 MEHTA, an individual; MEHTA
24 ENTERPRISES, INC., a suspended California
25 corporation; DEEPAK ENTERPRISES INC.,
26 a California corporation,

27 Defendants.

Case No: 5:13-cv-04444-EJD

**FIFTH STATUS REPORT REGARDING
ORDER GRANTING PLAINTIFF'S
MOTION TO AMEND TURNOVER
ORDER AND APPROVE PRIVATE
FORECLOSURE SALE**

1 Plaintiff, Jack in the Box Inc., provides this Status Report regarding the Order Granting
 2 Plaintiff's Motion to Amend Turnover Order and Approve Private Foreclosure Sale (the
 3 "Order")(Docket Item 116). Capitalized terms not otherwise defined herein shall have the
 4 meaning ascribed to those terms in the Order.

5 On May 19, 2014, the Court entered the Order approving and authorizing a private
 6 foreclosure sale (the "Sale") of the GECB Collateral by GECB to Plaintiff pursuant to the terms
 7 of the APA. The APA conditioned the closing of the Sale upon Plaintiff's satisfactory
 8 completion of a due diligence review and additionally contemplated a closing on or before
 9 October 1, 2014. Due to unanticipated developments in this case, Closing has not occurred and
 10 Plaintiff and GECB have agreed to extend the Outside Date for Closing on more than one
 11 occasion. Plaintiff has notified the Court of such amendments by filing prior Status Reports
 12 with the Court.

13 On August 28, 2015, this Court entered its Order vacating all pretrial dates, discovery
 14 cutoff dates, expert disclosures and trial dates pending the Court's ruling on Jack in the Box,
 15 Inc.'s Summary Judgment Motion (Docket No. 266). Pending the Court's ruling on the
 16 Summary Judgment Motion, Jack in the Box has not committed the substantial resources
 17 required to complete both its diligence review and a closing of the Sale. Accordingly, as
 18 permitted by the APA approved by the Court, Plaintiff and GECB have again agreed to extend
 19 the Outside Closing Date, as defined in the APA, to January 31, 2016. JIB retains the right to
 20 terminate the APA until five calendar days prior to Closing. Plaintiff has again agreed to make
 21 monthly payments, retroactive to August, 2014, to GECB in the amount of \$50,000 (the "Interim
 22 Payments") until the earlier of July 31, 2015 or the actual Closing. The Interim Payments will

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1 reduce the principal obligation owing from the Defendants to GECB and will reduce the
2 Purchase Price.

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4 Dated: December 9, 2015

LECLAIRRYAN

5 By: /s/ Robert S. McWhorter
6 Robert S. McWhorter

7 Attorneys for Plaintiff
8 JACK IN THE BOX INC.
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